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Let's break down Section 122 of the Criminal Code of Canada and how it applies systemically; not just to individual corruption cases, but to the full architecture of betrayal across courts, cabinets, and commissions.

#### Section 122

The Legal Sword Hidden in Plain Sight

Criminal Code of Canada – Section 122

"Every official who, in connection with the duties of their office, commits fraud or a breach of trust is guilty of an indictable offence..."

Section 122 of the Canadian Criminal Code addresses breach of trust by a public officer. It outlines that any public officer who commits fraud or a breach of trust in connection with their duties, regardless of whether it would be an offense if committed against a private person, is guilty of an indictable offense. This means they can be imprisoned for up to five years, or be convicted of an offense punishable on summary conviction.

# Key points about Section 122: 🕡

## **Public Officer:**

This includes any person holding a position of public office, such as a police officer, judge, or other government employee.

#### **Connection to Duties:**

The breach of trust or fraud must be committed in connection with the officer's official duties.

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#### Fraud or Breach of Trust:

This includes any act of dishonesty, misrepresentation, or misuse of trust or authority, including situations where the officer could be deemed to be in breach of their fiduciary duty to the public or their employer.

#### Indictable Offense:

If found guilty, the public officer can be imprisoned for up to five years.

This provision applies to any official relected, appointed, judicial, or bureaucratic who violates the trust placed in them through actions taken in the course of their duties.

What Constitutes a "Breach of Trust"?

According to Canadian jurisprudence, the breach must include:

- 1. A public office held by the accused
- 2. A breach of the duties that accompany that office
- 3. A marked departure from standards expected
- 4. The accused acted with intent to use their office for purposes other than public good
- 5. Seriousness that would result in criminal sanction for harm to public interest

Source: R. v. Boulanger (SCC, 2006)

#### Indictable Offense:

If found guilty, the public officer can be imprisoned for up to five years.

### **Summary Conviction:**

The offense can also be dealt with on summary conviction, which is a less serious proceeding with a shorter sentence.

# Examples of potential breaches of trust under Section 122: Ø

- A police officer selling confidential intelligence to criminals.
- An official embezzling public funds.
- A government official misusing their position for personal gain.

In essence, Section 122 aims to protect the public by ensuring that public officers act in accordance with the law and in the best interests of the public, preventing abuse of power and corruption.

# How It Applies to Everything (Systemic Breach Grid)

Institution/Actor
Breach of Duty
Public Harm
Section 122 Application

## **Judges**

(e.g. light sentencing) Upholding impartial justice & proportional sentencing Undermining faith in justice; endangering public

Yes – when decisions markedly depart from legal norms and enable injustice

#### Health Officers

- ← (e.g. lockdowns, coercive mandates)
- ← Yes especially if data was knowingly suppressed or manipulated.

#### **Politicians**

- Serve Canadians, uphold sovereignty & Constitution

Subverted democracy, eroded national autonomy

#### **Crown Prosecutors**

- Fair prosecution of crimes under law Two-tiered justice, protected elites

#### RCMP/Police

- ← (e.g. political arrests, unlawful raids)
- ←Enforce law impartially State terror, intimidation, chilling of dissent

#### Civil Servants

#### School Boards

- ← (e.g. indoctrination, hiding parental info)
- ←Duty to educate transparently & protect children Ideological grooming, parental alienation

## Section 122 is not just a charge

It criminalizes betrayal in office not as a mistake, but as fraud against the public trust.

And it applies everywhere:

- →When the health minister silences real science,
- →When the school trustee hides ideology in curriculum...

That's not policy failure.

That's criminal breach of trust.

To call it anything else, is Consent

# Section 122: Legal Precedent and Systemic Breach Archive

Annex: Case Law and Precedent Applications of Section 122 (Criminal Code of Canada)

# 1. R. v. Boulanger, 2006 SCC 32

#### Summary:

This Supreme Court decision is the leading case defining the offence of breach of trust by a public officer. Boulanger, a mayor, intervened improperly in police operations, thereby abusing his office.

### Key Legal Test Established:

To establish a breach of trust under Section 122, the Crown must prove:

- The accused was an official.
- The accused was acting in connection with the duties of their office.
- The accused breached the standard of responsibility and conduct demanded by the nature of the office.
- The conduct represented a marked departure from the standards expected.
- The accused acted with the intention to use their office for a purpose other than the public good.

#### Relevance:

This case set the national standard and provides a robust framework for applying Section 122 to elected officials, judges, and bureaucrats alike.

## 2. R. v. Hinchey, [1996] 3 SCR 1128

#### Summary:

Hinchey, a federal employee, was involved in awarding contracts in which he had a financial interest.

## Key Principle:

Even the appearance of a conflict of interest by a public official may constitute a breach of trust. It affirmed that public trust is fragile and demands not only integrity, but transparency.

#### Relevance:

Applies to politicians, public health officers, and procurement managers who benefit from contracts or policies they influence.

## 3. R. v. Llewellyn, 2007 ABQB 415

## Summary:

A municipal planning official manipulated zoning recommendations to benefit a developer friend.

## **Key Outcome:**

Conviction under Section 122. Demonstrated that even mid-level civil servants fall under the purview of this law if they exploit public roles for private benefit.

#### Relevance:

Crucial for applying Section 122 to local bureaucrats and city managers, especially in contexts like planning, bylaw enforcement, and procurement.

## 4. R. v. Bélanger, 2014 QCCQ 11817

# Summary:

A senior official at the city of Laval was convicted for rigging the procurement process to benefit certain bidders.

# **Key Finding:**

Breach of trust included manipulating administrative procedures and favoritism, even without direct personal gain.

## Relevance:

Applies directly to corruption involving public contracts, NGO favoritism, grant distribution, and pandemic-era spending.

# 5. R. v. Thibault, 2000 (Quebec)

# Summary:

The mayor of a small Quebec town diverted municipal funds to cronies.

## Outcome:

Convicted under Section 122.

#### Relevance:

A textbook case of using public office for private interest, applicable to council-level corruption and political cronyism.

# 6. R. v. Daigle, 2004 (New Brunswick)

#### Summary:

A school board official manipulated hiring practices to benefit a family member.

#### Outcome:

Found guilty of a breach of trust.

## Relevance:

Applies to modern school board manipulation, ideological hiring, and concealment of decisions from parental oversight.

## 7. R. v. Ritchie, 2009 (Nova Scotia)

## Summary:

RCMP officer failed to disclose critical evidence and interfered with an internal investigation.

#### Outcome:

Conviction upheld under Section 122.

## Relevance:

Highlights how police and law enforcement officers are subject to the same standards of institutional integrity and transparency.

#### 8. R. v. Patrick Brazeau

# (Senate Expenses Scandal)

## Summary:

Senator Brazeau filed false housing claims and misused public funds.

## Outcome:

Charged with fraud and breach of trust. Charges led to plea deal.

# Relevance:

Applies to federal office holders and any public official engaging in deceptive benefits or misuse of entitlements.

# 9. Sponsorship Scandal (Canada, 2004–2006)

# Summary:

Funds intended for federal visibility in Quebec were misdirected through advertising agencies tied to the Liberal Party.

## Legal Consequences:

Auditor General and Gomery Inquiry revealed systemic breach of trust. Charges were laid against public officials and ad executives.

#### Relevance:

A high-level example of political party funding fraud and misuse of the public treasury, reinforcing the criminal nature of institutional betrayal.

## 10. SNC-Lavalin Affair (2019)

#### Summary:

The Prime Minister's Office attempted to influence the Attorney General to interfere in a criminal prosecution of SNC-Lavalin for fraud and corruption.

#### Evidence:

Testimony from Jody Wilson-Raybould, recordings, and political pressure confirmed undue interference.

#### Relevance:

Demonstrates breach of prosecutorial independence. Strongly fits Boulanger framework for abuse of office.

# 11. U.S. Church Committee Report (1975)

### Summary:

A U.S. Senate committee revealed systemic abuse of power by the CIA, FBI, and NSA, including surveillance, infiltration, and covert manipulation of public figures and dissidents.

# Relevance (Canadian Parallel):

Provides international precedent for recognizing that deep-state actors within democracies commit breaches of trust when state power is turned against citizens under false pretenses.

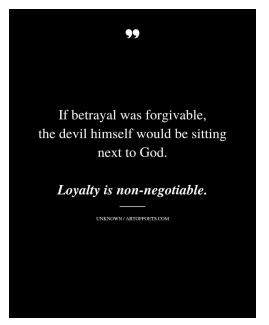
# 12. Nuremberg Principle VI (1945)

## Summary:

Post-WWII tribunal framework that criminalized crimes against peace, war crimes, and crimes against humanity. Emphasized individual responsibility for actions taken under the guise of official orders.

## Relevance:

Shows that "following orders" or "official position" does not exempt state actors from legal accountability when their actions betray the public or humanity itself.



**COVID-19 Pandemic Era: Section 122 Analysis** 

## 1. Suppression of Early Treatment (HCQ/Ivermectin):

← Health Canada, PHAC, and top public health officers ignored or downplayed decades of antiviral evidence in favor of emergency-use authorization of experimental mRNA injections.

## 2. Mandate Coercion Without Full Informed Consent:

←Millions of Canadians were pressured or coerced into medical procedures under threat of job loss or access restrictions. ←Officials who enforced or designed these mandates knowing the lack of long-term data or the presence of adverse effect reports may have violated the standard of duty to protect the public good.

## 3. Judicial and Crown Actions Against Protesters:

## 4. Censorship and Scientific Suppression:

Public officials who coordinated with tech firms to silence credible dissent and alternative medical data—while maintaining a false consensus—have engaged in acts matching historical standards of breach of trust and fraud.

Closing Note:

These precedents illustrate that Section 122 is not dormant. It has been used repeatedly in modern Canada to prosecute officials of all levels; —federal, —provincial, —municipal, and —institutional.

When aligned with international standards such as the Church Committee or Nuremberg Principles, it becomes clear: betrayal of public trust is not only unlawful;

It is historically criminal.

To call it anything less is to participate in the erasure of accountability itself.